

AO 91 (Rev. 11/11) Criminal Complaint

FILED
At Albuquerque NM

OCT 23 2017

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Todd McDonald

Case No.

17-MJ-2881

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2017 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

18 U.S.C. 1708

Offense Description

Theft or receipt of stolen mail matter generally

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Ryan Calvert United States Postal Inspector

Printed name and title

Electronically submitted and telephonically sworn before me.

Date: 10/21/2017City and state: Albuquerque, NM

Judge's signature

Chief United States Magistrate Judge Karen Molzen

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America,
Plaintiff,

vs.

Todd MCDONALD,
Defendant.

AFFIDAVIT

I, Ryan Calvert, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector with the United States Postal Inspection Service ("USPIS"), currently assigned to the Albuquerque Domicile, and have been so employed since June 2013. During that time, I have been trained to work on numerous federal criminal investigations. I have worked with other inspectors, agents, police officers, and law enforcement personnel who have extensive criminal investigative experience and training.
2. The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause in support of a criminal complaint against Todd MCDONALD for a violation of 18 U.S.C. §§ 1708, Theft or Receipt of Stolen Mail Matter Generally.
3. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

DETAILS OF INVESTIGATION

4. On October 8, 2017, I was informed that on that same date, Albuquerque Police Department (APD) officers were dispatched to the Sprouts grocery store at 6300 San Mateo Blvd NE, Albuquerque, NM in reference to two men who appeared to be passed out in a 2017 Nissan. Officer Cook made contact with the driver, Christopher Freeburn, who told him he rented the car from Hertz the day before. While Mr. Freeburn was looking for his driver's license, Officer Cook noticed a holster and asked Mr. Freeburn to step out of the car for safety purposes. Officer Cook received permission to retrieve Mr. Freeburn's wallet from the car. Officer Cook found Mr. Freeburn's driver's license and two credit cards in different names inside the wallet. He saw several pieces of mail on the driver's seat and a syringe with a brown liquid in it that Officer Cook believed to be

heroin. The passenger was asked to exit the car and he identified himself as Todd MCDONALD. Mr. MCDONALD was determined to have an outstanding warrant for his arrest. Officer Cook contacted APD Detective Hector Guerrero who advised him to seal the car and have it towed pending the application for a search warrant.

5. On October 12, 2017, Det. Guerrero and I executed a state search warrant on the black Nissan rented in Mr. Freeburn's name. During the search, we found a counterfeit USPS Arrow key, mail, debit cards and credit cards in names other than Christopher Freeburn and Todd MCDONALD and rental paperwork in Mr. Freeburn's name.
6. On October 19, 2017, I spoke with V.G. regarding mail that was recovered incident to the search of the black Nissan sedan. V.G. stated she has a community mailbox and it was found open on the morning of October 8, 2017. V.G. stated she didn't see any damage to the box and when her husband spoke to the carrier a few days later, the carrier stated someone must have a master key. V.G. stated she didn't give anyone permission to have their mail.
7. On October 19, 2017, I spoke with D.L. regarding mail that was recovered incident to the search of the black Nissan sedan. D.L. stated on the morning of October 8, 2017, he observed the community box open and all of the mail was gone. D.L. stated the box didn't look like it was damaged. D.L. stated he reported the break-in to the Rio Rancho Police Department. D.L. stated he didn't give anyone permission to have his mail.
8. On October 20, 2017, I spoke with K.B. regarding mail that was recovered incident to the search of the black Nissan sedan. K.B. stated her daughter found the community mailbox open on the morning of October 8, 2017. K.B. stated she never gave anyone permission to have her mail.
9. On October 20, 2017, Inspector Stephanie Herman and I reviewed video of two individuals in a white Dodge Ram 1500 pickup truck stealing mail in Northwest Albuquerque on October 19, 2017. In the video, I observed the driver exit the vehicle, use a key to access the back of the community mailbox and then get back into the vehicle. The passenger then got out and took all of the mail out of the mailbox and got back into the truck and then left the area. Based on prior contact, we believed that the driver was Christopher Freeburn and the passenger was Todd MCDONALD. On the video, I saw a Galles Chevrolet plate on the front of the truck and a temporary tag on the back.
10. On October 20, 2017, Inspector Herman and I spoke with M.W., Manager at Galles Chevrolet. He stated on Wednesday, October 18, 2017, he sold a white Dodge Ram 1500 pickup truck to Christopher Freeburn. On October 20, 2017, a letter carrier notified the Inspectors that on that same day community mailboxes in the 87120 zip code were accessed using a counterfeit USPS Arrow key and a white truck was involved.
11. On October 20, 2017, I obtained a warrant for Mr. Freeburn's arrest. Inspectors then went to Mr. Freeburn's mother's house, on Spring Vale NW, Albuquerque, NM, and the surrounding area to try and locate him. Inspector Herman located the white Dodge Ram

1500 pickup truck at Mr. Freeburn's mother's house. Inspector Herman observed the vehicle leave the residence. The truck turned eastbound on to Irving Blvd NW from Prescott Dr. NW. I was headed westbound on Irving Blvd NW and saw that Mr. Freeburn was driving the truck. Inspectors followed the truck and Inspector Herman observed the truck turn south from Irving Blvd NW on to Cardinal St. NW and stop in front of an unlocked curbside mailbox on the east side of the street. Inspector Herman was not able to see if any mail was taken from the mailbox. Inspectors continued to follow the truck and then conducted a stop at Congress Ave NW and Bentley Ct. NW. The driver was identified as Christopher Freeburn and the passenger as Todd MCDONALD. The truck was sealed and towed to Santa Fe Towing pending the application for a search warrant and Mr. Freeburn and Mr. MCDONALD were transported to the APD Northwest Substation.

12. On October 20, 2017, Inspector Herman and I interviewed Mr. MCDONALD. Mr. MCDONALD admitted to stealing mail with Mr. Freeburn and admitted he was the individual on the video taking the mail from the community mailbox on October 19, 2017. Mr. MCDONALD admitted he and Mr. Freeburn stole mail from about four or five community mailboxes on October 20, 2017 and about five or six mailboxes the day before. Mr. MCDONALD admitted to using debit cards and credit cards stolen from the mail to buy items from various stores.

CONCLUSION

13. Based on the aforementioned facts, I believe there is probable cause in the District of New Mexico, Todd MCDONALD committed a violation of 18 U.S.C. §§ 1708, Theft or Receipt of Stolen Mail Matter Generally.



Ryan Calvert
United States Postal Inspector

Electronically submitted and telephonically sworn before me.



Chief United States Magistrate Judge